



Paper No. 20

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**OFFICE OF PETITIONS
A/C PATENTS**

In re Application of
Lavallie, et al.
Application No. 08/949,904
Filed: October 15, 1997
Attorney Docket No. GI-5288B

DECISION ON PETITION

This is a decision on the petition filed on February 16, 2001, pursuant to 37 C.F.R. §1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action mailed April 27, 1999, which set a shortened statutory period for reply of three (3) months. A three (3) month extension of time for under the provisions of 37 CFR 1.136(a) was obtained. On October 28, 1999 (certificate of facsimile transmission October 27, 1999), petitioner submitted an amendment in response to the final Office action of April 27, 1999; however, the amendment did not prima facie place the application in condition for allowance. Accordingly, the above-identified application became abandoned on October 28, 1999. A Notice of Abandonment was mailed on August 11, 2000.

With the instant petition, petitioner filed a Notice of Appeal (with fee) in reply to the final Office action, and met all other requirements for a grantable petition under 37 C.F.R. §1.137(b).

Please be advised that the two-month period for filing an appeal brief in triplicate (accompanied by the fee required by 37 C.F.R. §1.17(c)), runs from the date of this decision.

There is no indication that the person signing the present petition was ever given a power of attorney to prosecute the instant application. Moreover, the application does not indicate a change of address has been filed in the case, although the address given on the petition differs from the address of record. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation and change of correspondence address must be submitted. While a courtesy copy of this decision is being mailed to the person signing the present petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

The application file is being returned to Technology Center 1600 for further processing.

Telephone inquiries specific to this decision should be directed to Petitions Attorney Paul Shanowski at (703) 305-0011.

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